

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JEFFREY JAY HAWKINS,

Petitioner,

v.

RON DAVIS,

Respondent.

Case No. 2:96-cv-01155-TLN-JDP (DP)

ORDER DIRECTING PETITIONER'S  
COUNSEL TO NOTIFY COURT AS TO  
WHETHER PETITIONER IS DECEASED

NOTICE DUE WITHIN THIRTY DAYS

Media reports state that petitioner died in July 2020 after contracting Covid-19. *See, e.g.,* Rosalio Ahumada and Sam Stanton, *San Quentin Death Row Inmate Convicted in Sacramento County Dies of Covid-19*, Sac. Bee, Jul. 15, 2020.<sup>1</sup> Within thirty days of this order's entry, petitioner's counsel shall file a notice that confirms or denies petitioner's death. If the notice confirms his death, counsel should also submit a copy of his death certificate. Only a person who is "in custody pursuant to the judgment of a State court" can bring a habeas petition under section 2254. 28 U.S.C. § 2254(a). Accordingly, if petitioner is deceased, this action will need to be dismissed. *See Porras v. Yates*, No. CV F 05-00284 OWW DLB HC, 2006 U.S. Dist. LEXIS 64903, \*3, 2006 WL 2520286 (E.D. Cal. Aug. 29, 2006) ("Petitioner is now deceased, he is no longer 'in custody' and cannot challenge his conviction, and the petition is moot.").

<sup>1</sup> Available online at: <https://www.sacbee.com/news/coronavirus/article244259862.html>.

1 IT IS SO ORDERED.

2 Dated: October 15, 2020

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4 UNITED STATES MAGISTRATE JUDGE